

Job Safety and Health Protection

The Washington Industrial Safety and Health Act (WISHA) — Chapter 49.17 Revised Code of Washington — provides job safety and health protection for Washington employees. The Department of Labor and Industries administers the law and adopts job safety and health regulations. All employers and employees are required to comply with these regulations. Department representatives conduct workplace inspections and investigations to ensure compliance with safety and health regulations.

This poster describes some important parts of the law.

Employers are required to:

Provide job sites that are free from recognized hazards that may cause death or serious harm to employees.

Comply with occupational safety and health regulations administered under WISHA.

Post this and other notices to keep employees informed of their protection and obligations under WISHA.

Notify the Department of Labor and Industries within eight (8) hours of any fatality or probable fatality or catastrophe — an injury or illness that results in two or more workers being hospitalized. The employer must report the following information in person or by telephone to the nearest department office or use the Occupational Safety and Health Administration toll-free central number 1-800-321-6742:

- Name of employer.
- Location and time of the incident.
- Number of fatalities or hospitalized employees.
- Contact person and his/her phone number.
- A brief description of the incident.

Allow an employee representative to attend all meetings between the Department of Labor and Industries and the employer concerning an appeal of a citation by the employer.

Allow an employee representative to accompany the department representative and the employer during an inspection or investigation of the workplace. Employers cannot withhold wages or benefits or discriminate against the employee for time spent participating in the inspection, investigation, or opening and closing conferences.

Provide personal protective equipment when required by a WISHA regulation.

Promptly notify an employee who was or is being exposed to toxic materials or harmful physical agents at levels that exceed those allowed by WISHA regulations.

Employees are required to:

Comply with occupational safety and health regulations that apply to their own actions and conduct on the job.

Inspections and investigations:

Employer and employee representatives may accompany a department inspector to assist with an inspection or investigation. If an employee representative does not participate, the inspector will consult with a number of employees about safety and health conditions in the workplace.

Complaints:

Employer and employee representatives who believe that an unsafe or unhealthy condition exists in their workplace have the right to request an inspection by the Department of Labor and Industries. The names of those filing complaints will be kept confidential upon the request of the employee. Employees also have the right to bring unsafe or unhealthy conditions to the attention of the inspector during an investigation or inspection.

Employees may not be fired or discriminated against for filing safety and health complaints or for exercising any of their rights under WISHA.

Employees who believe they have been discriminated against may file a complaint with the department or with the U.S. Department of Labor, Occupational Safety and Health Administration within 30 days of the alleged discrimination. Public employees may file discrimination complaints with the Department of Labor and Industries only.

The U.S. Department of Labor monitors the operation of the WISHA program to assure effective administration. Any person may make a written complaint regarding the administration of state regulations directly to the Occupational Safety and Health Administration, Region 10, 1111-3rd Avenue, Suite 715, Seattle, WA 98101-3212.

Citations:

If, upon inspection the department believes a WISHA regulation has been violated, a citation alleging such violation will be issued to the employer. Citations will specify a time period allowed for correcting the violation.

The WISHA citation must be prominently displayed at or near the place of the alleged violation for a minimum of three days. It cannot be taken down until the violation is corrected.

Penalties:

Penalties of up to \$70,000 may be assessed for each willful or repeated violation of a WISHA regulation, and a minimum penalty of \$5,000 shall be assessed for each willful violation. Employers may be fined up to \$7,000 for each serious or non-serious violation. Penalties up to \$7,000 will be assessed for failure to post this or any other required notices.

Penalties of up to \$7,000 per day may be assessed for failure to correct a violation by the allowed time specified in the citation.

Criminal penalties are also provided for under WISHA. Any person who is convicted of giving advance notice of an inspection without the authority of the department may be fined up to \$1,000 and imprisoned for up to six months. A person convicted of knowingly making a false statement or report in regard to WISHA may be fined up to \$10,000 and imprisoned for up to six months.

An employer convicted of a willful or repeated violation that results in the death of an employee may be fined up to \$10,000 and imprisoned for up to six months. A second conviction doubles these penalties.

Appeals:

Employers may appeal the alleged citation, the proposed penalties or the time allowed to correct a violation to the department and to the Board of Industrial Insurance Appeals.

Employees may appeal the time allowed to correct a violation if they believe that time to be unreasonable.

Consultation services:

The department offers free consultations to help employers comply with safety and health regulations. Specialists can help correct hazardous conditions and develop safety and health programs. These specialists **do not** issue citations or assign penalties. The consultation will remain confidential unless the employer wishes to make it public.

Department employees are also available to conduct seminars and training on occupational safety and health for both employer and employee groups.

More information:

To request an inspection, consultation or additional information, call the safety and health toll-free information number:

1-800-423-7233

or contact:

**Department of Labor and Industries
WISHA Services Division
PO Box 44600
Olympia WA 98504-4600**

Labor and Industries is an Equal Opportunity and Affirmative Action employer. The department complies with all federal rules and regulations and shall not discriminate on the basis of race, color, national origin, sex, creed, marital status, sexual orientation, age, disabled or Vietnam-era veteran, religion or disability as defined by applicable state and/or federal regulations or statutes. If you have special communication or accommodation needs, please contact the Department of Labor and Industries, WISHA Services Division, PO Box 44600, Olympia WA 98504-4600 or telephone 1-800-4-BE-SAFE (1-800-423-7233).

